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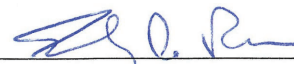
## MEMO ENDORSED

October 6, 2023

### Via Electronic Case Filing

Honorable Edgardo Ramos  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

A telephonic conference will be held on October 19, 2023, at 11 a.m. The parties are instructed to call (877) 411-9748 and enter access code 3029857# when prompted.  
SO ORDERED.

  
Edgardo Ramos, U.S.D.J.  
Dated: 10/10/2023  
New York, New York

**Re: *United States v. Robert Jeffrey Johnson, et al.*, No. 21-CR-428  
Motion to Adjourn the November 6, 2023, Trial Date**

Dear Judge Ramos:

On June 8, 2023, during a telephonic conference, the Court adjourned the then-scheduled August 7, 2023, trial date until November 6, 2023. The adjournment was requested by the Defendants to accommodate either the in-person or remote appearance of defense witness Andre Cardoso, who was medically unable to travel to the United States and also to accommodate undersigned's trial conflicts. See Doc. 101.

On August 31, 2023, the Court entered an order denying Defendants' Joint Motion to Offer Testimony of a Witness Via Live Closed-Circuit Television During Trial or, in the Alternative, for a Deposition Pursuant to Federal Rule of Criminal Procedure 15. Doc. 110. In a footnote, the Court did not rule out the option of having Cardoso testify in person, even while the Court ruled that defendants did not establish "the 'exceptional circumstances' requirement of Rule 15." Doc. 110 at 31 & n. 25.

Yesterday, October 5, 2023, defense counsel spoke with Cardoso, who informed that the symptoms associated with his prolonged ear infection have subsided; that he is scheduled for an internal ear scan in early November and has an appointment on December 18, 2023, with his doctor to review the results of the scan and determine (confirm) that Cardoso is cleared for

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air travel. Cardoso re-affirmed his willingness to travel to the United States to testify once he is medically cleared to travel.

An adjournment of the trial date would also accommodate the Defendants' request that the Court order that witnesses produce in advance of trial documents requested in Defendants' subpoenas *duces tecum* pursuant to Federal Rule of Criminal Procedure 17(c). Observing that the government "does not appear to challenge the subpoenas," this Court indicated that it is "inclined to issue an order requiring compliance" but deferred adjudication of the motion." Doc. 110 at 37.

Finally, an adjournment would be appreciated by Johnson's trial counsel (Srebnick), whose father passed away on September 30, 2023, after being diagnosed in late August with an inoperable cancerous tumor. Johnson's trial counsel spent most of each day of the last week of his father's life at the hospital, then handled funeral arrangements, and is now addressing family issues attendant to his father's passing.

Defendants request that the Court hold a telephonic status conference at its earliest convenience.

The government advises that it will oppose a continuance but agrees that a telephonic status conference is appropriate.

Respectfully submitted,



Howard Srebnick  
Counsel for Robert Jeffrey Johnson



Alyssa Silvaggi  
Counsel for Kathleen Hook

cc: All counsel by ECF